

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6112 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT Sd/-

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

JAYANTILAL M RATHOD

Versus

STATE OF GUJARAT

Appearance:

MR PM THAKKAR for Petitioners

Respondents served.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 01/10/96

ORAL JUDGEMENT

The petitioners are the persons who are employed
by respondent Nos. 2 & 3 on daily wages to serve either
as a peon or watchman according to the administrative
exigencies. It is the case of the petitioners that the
petitioners have been serving on daily wages since 1st

January, 1979, 1st January, 1980 and 1st January, 1982 respectively. The petitioners have further stated that though the petitioners have been serving on daily wages for a long time, the case of the petitioners for absorption on regular establishment has not been considered by the respondent authorities. It is further averred that the petitioners are paid the wages which are far less than the salary of a person who is employed on the regular establishment and is discharging the same duties. The petitioners have, therefore, claimed that the parity of pay may be maintained amongst the employees of the respondents irrespective of the fact whether they are serving on regular establishment or are being engaged on daily wages. It is further claimed that the petitioners be regularized in service and be absorbed on regular establishment of the respondents. The factual averments made in the petition are not controverted by either of the respondents.

2. By way of ad-interim order, made on 20th November, 1986, this Court directed the respondents to pay to the petitioners salary according to the time-scale of the permanent employee, for the same job and in the alternative, to pay the same quantum of monthly emoluments, which a regularly appointed Road Clerk would get, doing the same job, each month till final disposal of this petition.

3. In view of the undisputed facts as stated hereinabove, I direct that the wages paid to the petitioners in accordance with the ad-interim order made by this Court on 20th November, 1986 shall be continued to be paid to the petitioners, that is, the petitioners shall be entitled to daily wages equivalent to the salary of an employee appointed on regular establishment performing the same job.

4. It is further directed that the respondents shall consider the case of the petitioners for absorption on the regular establishment in accordance with the prevalent Rules/Regulations/Government Policy in case the petitioners have not been so absorbed till the date. The petition is allowed accordingly. Rule is made absolute with costs.

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